

**UNITED STATES BANKRUPTCY COURT  
District of Massachusetts**

IN THE MATTER OF:

CASE NUMBER: 08-40116-JBR

ERIC T and RENEE J PEABODY

CHAPTER 13

**CHAPTER 13 TRUSTEE'S MOTION TO DISMISS**

Denise M. Pappalardo, Chapter 13 Trustee moves the court to dismiss the above case because of the failure of the debtor(s) to comply with the plan.

1. The plan is confirmed.

2. The debtor(s) is (are) in arrears according to the terms of the plan in the amount of \$3,680.00 which is 4 payments. Failure to make timely payments to the Trustee is a material default by the debtor with respect to a term of the plan and is grounds for dismissal pursuant to 11 U.S.C. § 1307(c).

The debtor(s) is(are) hereby notified that if a written response is not filed by the debtor(s) with the Court within twenty one (21) days of the date of this motion, the Court may rule on this motion without further notice. 11 U.S.C. § 102(1)(B).

Dated: February 10, 2010

/s/ Denise M. Pappalardo  
Chapter 13 Trustee  
BBO#553293  
PO Box 16607, Worcester MA 01601  
508-791-3300  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion to Dismiss was served on the debtor(s) and the attorney for the debtor(s) via first class mail and/or electronically.

/s/ Denise M. Pappalardo

Copy served on:

Debtor(s)  
ERIC T and RENEE J PEABODY  
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